

GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS  
APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION REPORT

APRIL 20, 2011  
REPORT FOR FINAL REVIEW BY SUBCOMMITTEE

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GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H1-P

Department of Transportation  
Appropriations Subcommittee on Transportation

***CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATION***

**SECTION #.(a)** The General Assembly authorizes and certifies anticipated revenues for the Highway Fund as follows:

For Fiscal Year 2013-2014	\$1,996.5 million
For Fiscal Year 2014-2015	\$2,021.1 million
For Fiscal Year 2015-2016	\$2,040.5 million
For Fiscal Year 2016-2017	\$2,069.1 million

**SECTION #.(b)** The General Assembly authorizes and certifies anticipated revenues for the Highway Trust Fund as follows:

For Fiscal Year 2013-2014	\$1,041.0 million
For Fiscal Year 2014-2015	\$1,097.5 million
For Fiscal Year 2015-2016	\$1,128.7 million
For Fiscal Year 2016-2017	\$1,122.8 million

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SPECIAL PROVISION



2011-TRANS-H2-P

Department of Transportation  
Appropriations Subcommittee on Transportation

1 ***CHANGES TO HIGHWAY FUND CERTIFIED BUDGET TO INCREASE***  
2 ***TRANSPARENCY***

3 **SECTION #.** Notwithstanding G.S. 143C-6-4(b), the Office of State Budget and  
4 Management, in consultation with the Department of Transportation, the Office of the State  
5 Controller, and the Fiscal Research Division, shall execute changes to the Department of  
6 Transportation's Highway Fund (Budget Code 84210) 2012-2013 Fiscal Year Certified Budget  
7 to increase transparency. The Adjusted 2012-2013 Fiscal Year Certified Budget for Budget  
8 Code 84210 shall include object detail using the North Carolina Accounting System Uniform  
9 Chart of Accounts prescribed by the Office of the State Controller to provide a more detailed  
10 accounting of the proposed budgets and receipts and actual expenditures and revenue  
11 collections. This includes, but is not limited to, applying object detail at the four-digit level for  
12 all accounts to full-time and part-time positions, to operating expenditures and receipts, and to  
13 intrafund transfers. In addition, work order positions shall be budgeted within existing fund  
14 codes. These readjustments to the enacted budget are for the sole purpose of correctly aligning  
15 authorized positions and associated operating costs with the appropriate purposes and  
16 definitions as defined in G.S. 143C-1-1. The Office of State Budget and Management shall  
17 change the certified budget to reflect these adjustments only after reporting the proposed  
18 adjustments to the Chairs of the Senate Appropriations Committee on Department of  
19 Transportation and the Chairs of the House Appropriations Subcommittee on Transportation  
20 and to the Fiscal Research Division no later than March 1, 2012. It is the intent of the General  
21 Assembly that these changes in the certified budget for Budget Code 84210 shall begin with the  
22 2012-2013 fiscal year and shall be used in subsequent fiscal years.

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2011-TRANS-H3-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

**REMOVE PILOT DESIGNATION FOR PUBLIC-PRIVATE PARTNERSHIPS AND  
ALLOW MORE PUBLIC-PRIVATE PARTNERSHIPS AT REST AREAS**

SECTION #. G.S. 136-28.1 reads as rewritten:

**"§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

...

(l) The Department of Transportation may enter into ~~as many as two pilot~~ contracts for public private participation in providing litter removal from State right-of-way. Selection of firms to perform this work shall be made using a best value procurement process and shall be without regard to other provisions of law regarding the Adopt-A-Highway Program administered by the Department. Acknowledgement of sponsors may be indicated by appropriate signs that shall be owned by the Department of Transportation. The size, style, specifications, and content of the signs shall be determined in the sole discretion of the Department of Transportation. The Department of Transportation may issue ~~rules~~ guidelines, rules, and policies necessary to ~~implement administer~~ implement this ~~section~~ subsection.

(m) The Department of Transportation may enter into ~~as many as two pilot~~ contracts for public-private participation ~~in providing real time traveler information~~ at State-owned rest areas. Selection of firms ~~to perform this work~~ shall be made using a best value procurement process. Recognition of sponsors in the program may be indicated by appropriate acknowledgment for any services provided. The size, style, specifications, and content of the acknowledgment shall be determined in the sole discretion of the Department. Revenues generated pursuant to a contract initiated under this subsection shall be shared with Department of Transportation at a predetermined percentage or rate, and shall be earmarked by the Department to maintain the State owned rest areas from which the revenues are generated. The Department of Transportation may issue guidelines, rules, and policies necessary to administer ~~a pilot program initiated under~~ this subsection."

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DRAFT  
SPECIAL PROVISION



2011-TRANS-H4-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 ***REMOVE CAP ON DESIGN-BUILD PROJECTS***

2 **SECTION #.** G.S. 136-28.11(a) reads as rewritten:

3 "(a) Design-Build Contracts Authorized. – Notwithstanding any other provision of law,  
4 the Board of Transportation may award contracts ~~for up to 25 projects~~ each fiscal year for  
5 construction of transportation projects on a design-build basis."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H5-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

***STUDY SPONSORSHIP OPPORTUNITIES***

**SECTION #.** The Department of Transportation shall study sponsorship opportunities that might be available to the Department to offset the operational costs of the Department, including, but not limited to, sponsorships of welcome centers, visitor centers, rest areas, ferry welcome centers, ferries, and Incident Management Assistance Patrols. The Department shall report to the Joint Legislative Transportation Oversight Committee no later than March 1, 2012, on the following:

- (1) The current cost of the suggested activities to be sponsored.
- (2) The potential receipts that could reasonably be collected through sponsorships.
- (3) Suggested guidelines and process for selecting reputable sponsors.
- (4) What sponsorships might look like once implemented, including mock-ups of potential sponsors' signage on materials, buildings, vehicles, vessels, or other locations.
- (5) What statutory or regulatory changes may be necessary to effect the Department's proposed sponsorship changes.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H6

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

***SMALL CONSTRUCTION AND CONTINGENCY FUNDS***

**SECTION #.** Of the funds appropriated in this act to the Department of Transportation:

- (1) Seven million dollars (\$7,000,000) shall be allocated in each fiscal year for small construction projects recommended by the State Highway Administrator in consultation with the Chief Operating Officer and approved by the Secretary of the Department of Transportation. These funds shall be allocated equally in each fiscal year of the biennium among the 14 Highway Divisions for small construction projects.
- (2) Nine million dollars (\$9,000,000) shall be allocated statewide in each fiscal year for rural or small urban highway improvements and related transportation enhancements to public roads and public facilities, industrial access roads, and spot safety projects, including pedestrian walkways that enhance highway safety. Projects funded pursuant to this subdivision shall be approved by the Secretary of Transportation.

None of these funds used for rural secondary road construction are subject to the county allocation formulas in G.S. 136-44.5(b) and (c).

These funds are not subject to G.S. 136-44.7.

The Department of Transportation shall report to the members of the General Assembly on projects funded pursuant to this section in each member's district prior to construction. The Department shall make a quarterly comprehensive report on the use of these funds to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H7-P

Department of Transportation  
Appropriations Subcommittee on Transportation

1 *ADJUST SECONDARY ROAD CONSTRUCTION AND SECONDARY ROAD*  
2 *MAINTENANCE*

3 **SECTION #.(a)** Notwithstanding G.S. 136-44.2A, secondary road construction and  
4 secondary road maintenance funds from the Highway Fund shall not increase over the amounts  
5 allocated in the fiscal year 2011-2012 and fiscal year 2012-2013 base budgets.

6 **SECTION #.(b)** Notwithstanding G.S. 136-182, secondary road construction and  
7 secondary road maintenance funds from the Highway Trust Fund shall not increase over the  
8 amounts allocated in the fiscal year 2011-2012 and fiscal year 2012-2013 base budgets.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT  
SPECIAL PROVISION



2011-TRANS-H8-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

- 1 ***SYSTEM PRESERVATION FUNDS PREFERENCE FOR DEFICIENT BRIDGES***
- 2 **SECTION #.** The funds allocated to the system preservation program (Budget
- 3 Code 84240-7839) for fiscal years 2011-2012 and 2012-2013 shall be used for bridge
- 4 improvements on structurally deficient bridges.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H9

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

***INCREASE DOT PRIVATIZATION***

**SECTION #.** The Department of Transportation shall seek to increase the use of contracts to further privatize design and engineering work where practical and economical. In doing so, the Department of Transportation shall do the following:

- (1) Identify State-funded professional service contracts of two hundred fifty thousand dollars (\$250,000) or less that are likely to attract increased participation by Small Professional Services Firms and then direct the solicitation of applicable contracts to those firms.
- (2) Expand the use of multiple contract awards for maintenance and repair projects.
- (3) Increase the outsourcing of preliminary engineering projects to fifty percent (50%) of the total funds in the annual work plan.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-TRANS-H10

Department of Transportation  
Appropriations Subcommittee on Transportation

**STATE STREET-AID TO MUNICIPALITIES (POWELL BILL) ADJUSTMENTS**

**SECTION #.(a)** G.S. 136-41.1(a) reads as rewritten:

"(a) There is annually appropriated out of the State Highway Fund a sum equal to the net amount after refunds that was produced during the fiscal year by a one and three-fourths cents (1 3/4¢) tax on each gallon of motor fuel taxed under Article 36C of Chapter 105 of the General Statutes and on the equivalent amount of alternative fuel taxed under Article 36D of that Chapter. The One-half of the amount appropriated shall be allocated in cash on or before October 1 of each year to the cities and towns of the State in accordance with this section. The second one-half of the amount appropriated shall be allocated in cash on or before May 1 of each year to the cities and towns of the State in accordance with this section. In addition, as provided in G.S. 136-176(b)(3), revenue is allocated and appropriated from the Highway Trust Fund to the cities and towns of this State to be used for the same purposes and distributed in the same manner as the revenue appropriated to them under this section from the Highway Fund. Like the appropriation from the Highway Fund, the appropriation from the Highway Trust Fund shall be based on revenue collected during the fiscal year preceding the date the distribution is made.

..."

**SECTION #.(b)** Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-41.2B. Eligibility for funds; municipalities with no road miles ineligible.**

**No municipality shall be eligible to receive funds under G.S. 136-41.1 unless the municipality maintains public streets that (i) are within its jurisdiction and (ii) do not form a part of the State highway system."**

**SECTION #.(c)** G.S. 136-41.3 reads as rewritten:

**"§ 136-41.3. Use of funds; records and annual statement; excess accumulation of funds; contracts for maintenance, etc., of streets.**

...

No funds allocated to municipalities pursuant to G.S. 136-41.1 and 136-41.2 shall be permitted to accumulate for a period greater than permitted by this section. Interest on accumulated funds shall be used only for the purposes permitted by the provisions of G.S. 136-41.3. Any municipality having accumulated an amount greater than the sum of the past ~~10~~ five allocations made, shall have an amount equal to such excess deducted from the next allocation after receipt of the report required by this section. Such deductions shall be carried over and added to the amount to be allocated to municipalities for the following year.

..."

**SECTION #.(d)** Unexpended and unencumbered funds previously allocated to municipalities made ineligible to receive funds by subsection (b) of this section shall be reallocated to eligible municipalities in accordance with G.S. 136-41.1.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H11

Department of Transportation  
Appropriations Subcommittee on Transportation

1 **FERRY DIVISION TOLLING ON ALL ROUTES**

2 **SECTION #.(a)** Effective April 1, 2012, G.S. 136-82 reads as rewritten:

3 **"§ 136-82. Department of Transportation to establish and maintain ferries.**

4 The Department of Transportation is vested with authority to provide for the establishment  
5 and maintenance of ferries connecting the parts of the State highway system, whenever in its  
6 discretion the public good may so require, and to prescribe and collect such tolls therefor as  
7 may, in the discretion of the Department of Transportation, be expedient. All ferry routes shall  
8 be tolled in an amount established by the Board of Transportation.

9 To accomplish the purpose of this section said Department of Transportation is authorized  
10 to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or  
11 other facilities required for the proper operation of such ferries or to enter into contracts with  
12 persons, firms or corporations for the operation thereof and to pay therefor such reasonable  
13 sums as may in the opinion of said Department of Transportation represent the fair value of the  
14 public service rendered.

15 The Department of Transportation, notwithstanding any other provision of law, may  
16 operate, or contract for the operation of, concessions on the ferries and at ferry facilities to  
17 provide to passengers on the ferries food, drink, and other refreshments, personal comfort  
18 items, and souvenirs publicizing the ferry system."

19 **SECTION #.(b)** The Board of Transportation shall toll all ferry routes no later than  
20 the effective date of subsection (a) of this section, but is encouraged to begin tolling on all  
21 routes before that date. In establishing ferry routes under G.S. 136-82, as amended by this  
22 section, the Board of Transportation shall consider the needs of commuters and other frequent  
23 passengers in developing the tolls.

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2011**

**DRAFT  
SPECIAL PROVISION**



**2011-TRANS-H12-P**

**Department of Transportation  
Appropriations Subcommittee on Transportation**

**Requested by: Representative**

- 1 ***STATE AID TO RAILROADS TRANSPARENCY***
- 2 **SECTION #.** G.S. 136-44.20(d) is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H12A

Department of Transportation  
Appropriations Subcommittee on Transportation

1 *STATE AID TO SHORT-LINE RAILROADS*

2       **SECTION #.** Article 2D of Chapter 136 is amended by adding a new section to  
3 read as follows:

4 "**§ 136-44.39. Department to provide State and federal financial assistance to short-line**  
5 **railroads.**

6       The Department of Transportation is authorized to provide assistance to short-line railroads  
7 to continue and enhance rail service in the State so as to assist in economic development and  
8 access to ports and military installations. Assistance under this section may involve both the  
9 Rail Industrial Access Program and the Short Line Infrastructure Access Program, as well as  
10 other innovative programs. Grants under this section shall not exceed fifty percent (50%) of the  
11 nonfederal share and must be matched by equal or greater funding from the applicant."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H13

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

**REPORT, CONSULTATION, AND APPROVAL OF RAIL PROJECTS**

SECTION #. G.S. 136-44.36 reads as rewritten:

**"§ 136-44.36. Department of Transportation designated as agency to administer federal and State railroad revitalization programs.**

(a) The General Assembly hereby designates the Department of Transportation as the agency of the State of North Carolina responsible for administering all State and federal railroad revitalization programs. The Department of Transportation is authorized to develop, and the Board of Transportation is authorized to adopt, a State railroad plan, and the Department of Transportation is authorized to do all things necessary under applicable State and federal legislation to properly administer State and federal railroad revitalization programs within the State. Such authority shall include, but shall not be limited to, the power to receive federal funds and distribute and expend federal and State funds for rail programs designed to cover the costs of acquiring, by purchase, lease or other manner as the department considers appropriate, a railroad line or other rail property to maintain existing or to provide future rail service; the costs of rehabilitating and improving rail property on railroad lines to the extent necessary to permit safe, adequate and efficient rail service on such lines; and the costs of constructing rail or rail related facilities for the purpose of improving the quality, efficiency and safety of rail service. The Department shall also have the authority to preserve railroad corridors for future railroad use and interim compatible uses and may lease such corridors for interim compatible uses. Such authority shall also include the power to receive and administer federal financial assistance without State financial participation to railroad companies to cover the costs of local rail service continuation payments, of rail line rehabilitation, and of rail line construction as listed above. This Article shall not be construed to grant to the department the power or authority to operate directly any rail line or rail facilities.

(b) Notwithstanding subsection (a) of this section, the acceptance of federal funds by the Department of Transportation for rail programs shall be subject to the following:

(1) Report. – For any project under this subsection (a) of this section, the Department of Transportation shall report the project details, including the amounts of federal funds and any State matching funds as well as the expected annual maintenance and operational costs to the State of the project for the next 25 years, to the Joint Legislative Commission on Governmental Operations, if the General Assembly is not in session, or to the House Appropriations Subcommittee on Transportation and the Senate Committee on Appropriations on Department of Transportation, if the General Assembly is in session.

(2) Consultation. – If either the amount of State matching funds required by the federal grant or the amount of future annual maintenance and operational costs of the project are reasonably expected to exceed three million dollars (\$3,000,000) then the Department shall not accept the federal funds prior to

1 consultation with the Joint Legislative Commission on Governmental  
2 Operations, if the General Assembly is not in session, or with the House  
3 Appropriations Subcommittee on Transportation and the Senate Committee  
4 on Appropriations on Department of Transportation, if the General  
5 Assembly is in session. Failure of the Joint Legislative Commission on  
6 Governmental Operations, the House Appropriations Subcommittee on  
7 Transportation, or the Senate Committee on Appropriations on Department  
8 of Transportation to hold a meeting with the Department of Transportation  
9 within 90 days of a written request for a meeting from the Department of  
10 Transportation shall be deemed a waiver of consultation by the committee.

11 (3) Approval. – If either the amount of state matching funds required by the  
12 federal grant or the amount of future annual maintenance and operational  
13 costs of the project are reasonably expected to exceed five million dollars  
14 (\$5,000,000), then the Department shall not accept the federal funds prior to  
15 explicit approval of the project by an act of the General Assembly.

16 For purposes of this subsection, the terms "State matching funds" and "annual maintenance and  
17 operational costs to the State" shall not include funds that may pass through the Department of  
18 Transportation but that originally came from a non-State source."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H14T-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 ***PROHIBIT RAIL DIVISION FROM PROVIDING CONVENIENCE ITEMS FREE OF***  
2 ***CHARGE ON ALL PASSENGER RAIL SERVICE***

3 **SECTION #.** The Department of Transportation, Rail Division, shall not provide  
4 convenience items to passengers free of charge unless the items are donated to the State. These  
5 items include bottled or canned drink products, excluding water, newspapers, or other items of  
6 convenience. The Department of Transportation may charge a nominal fee for such items  
7 through vending machines or through other mechanisms.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

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SPECIAL PROVISION



2011-TRANS-H14-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 *ELIMINATE AERONAUTICS COUNCIL, BICYCLE COMMITTEE, AND RAIL*  
2 *COUNCIL*

3 **SECTION #.(a)** The Aeronautics Council of the Department of Transportation is  
4 eliminated. G.S. 143B-356 and G.S. 143B-357 are repealed.

5 **SECTION #.(b)** The North Carolina Bicycle Committee within the Department of  
6 Transportation is eliminated. G.S. 136-71.13 is repealed.

7 **SECTION #.(c)** The North Carolina Rail Council of the Department of  
8 Transportation is eliminated. Part 9 of Article 8 of Chapter 143B of the General Statutes is  
9 repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H15-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 ***FLEXIBLE USE OF FUNDS TO LEVERAGE FEDERAL FUNDS FOR RURAL PUBLIC***  
2 ***TRANSPORTATION***

3 **SECTION #.** In order to ensure maximum receipts of funding and to facilitate the  
4 use of funds available to the Department, the Department of Transportation, Public  
5 Transportation Division, shall have the flexibility to transfer funding from the consolidated  
6 capital program of its rural funding programs for vehicles, technology, and facilities to the  
7 operating programs, based on the Department's ability to leverage all additional federal funds to  
8 meet the capital needs of rural transportation systems. This section applies only to fiscal years  
9 2011-2012 and 2012-2013.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

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SPECIAL PROVISION



2011-TRANS-H15A-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 ***MAXIMIZE LEVERAGE OF FEDERAL PUBLIC TRANSPORTATION OPERATING***  
2 ***AND CAPITAL FUNDS FOR LOCAL PUBLIC TRANSPORTATION SYSTEMS***

3 **SECTION #.** The Department of Transportation, Public Transportation Division,  
4 shall provide local public transportation systems with maximum flexibility to use State  
5 operating funds from the "urban and regional maintenance," "elderly and disabled," "work first  
6 and transportation employment," and "urban technology, human service transportation  
7 management, and rural general public" grant programs to leverage all eligible federal transit  
8 operating assistance funds. This section applies only to fiscal years 2011-2012 and 2012-2013.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H16-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

***STREAMLINE GRANT PROCESS AND CONSOLIDATE GRANTS FOR PUBLIC  
TRANSPORTATION***

**SECTION #.(a)** The Department of Transportation, Public Transportation Division, shall work with stakeholders to streamline the grant application process, determine levels for funding distributions, and make recommendations to the General Assembly to maximize the use of these grant funds. The Department of Transportation shall report these findings to the Joint Legislative Transportation Oversight Committee no later than March 1, 2012.

**SECTION #.(b)** The Department of Transportation and the Office of State Budget and Management are directed to combine grant funding to the "elderly and disabled," "work first and transportation employment," and the human service transportation management and rural general public grant programs within the "urban technology, human service transportation management and rural general public" grant programs. The Highway Fund Budget Code 84210, Fund Code 7831, shall be changed to reflect these consolidations and the separation of the "urban technology, human service transportation management and rural general public" grant program. The grant categories and respective formulas shall remain unchanged. The Department shall determine an appropriate distribution for funds based upon the needs of the local governments.

Consolidating the funding sources should enable the Department to increase utilization of all available funds based on documented local needs, reduce program administration at the State and local levels, and increase flexibility for regional systems to apply and expend funds for multicounty transit needs.

**SECTION #.(c)** Subsection (b) of this section becomes effective July 1, 2012.

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2011-TRANS-H17-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 ***STUDY REGIONAL CONSOLIDATION OF TRANSIT SYSTEMS***

2       **SECTION #.** The Department of Transportation, Public Transportation Division, is  
3 directed to study the feasibility and appropriateness of developing regional transit systems with  
4 the goals of (i) providing increased mobility between existing transit systems within one county  
5 and between counties, (ii) improving planning and coordination to better meet public demand,  
6 (iii) maximizing funding, and (iv) developing centralized professional staff that will create  
7 operational and administrative efficiencies. This study shall examine both (i) the consolidation  
8 of transit service planning and delivery based on regional travel patterns and (ii) the  
9 consolidation of single-county transit systems, where applicable. The Department of  
10 Transportation, Public Transportation Division, shall report the results of its study to the Joint  
11 Legislative Transportation Oversight Committee no later than March 1, 2012.



GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-TRANS-H20

Department of Transportation  
Appropriations Subcommittee on Transportation

**DIVISION OF MOTOR VEHICLES BULK DATA**

**SECTION #.(a)** G.S. 20-26(c) reads as rewritten:

"(c) The Division shall furnish copies of license records required to be kept by subsection (a) of this section in accordance with G.S. 20-43.1 to other persons for uses other than official upon prepayment of the following fees:

- (1) Limited ~~extract~~ copy of license record, for  
period up to three years .....\$8.00
- (2) Complete ~~extract~~ copy of license record .....8.00
- (3) Certified true copy of complete license record .....11.00.

(4) In accordance with G.S. 20-43.1, the Division may provide copies of partial license record data in bulk form to persons, private companies, or other entities, for uses other than official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data except upon execution by the recipient of a written agreement to comply with the Driver Privacy Protection Act, 18 U.S.C. §§ 2721-2725. The annual fee charged pursuant to this subsection shall not be subject to the provisions of Chapter 132 of the General Statutes.

All fees received by the Division under this subsection shall be credited to the Highway Fund."

**SECTION #.(b)** G.S. 20-85 is amended by adding a new subsection to read:

"(d) In accordance with G.S. 20-43.1, the Division may provide copies of partial registration data in bulk form to persons, private companies or other entities, for uses other than official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data except upon execution by the recipient of a written agreement to comply with the Driver Privacy Protection Act, 18 U.S.C. §§ 2721-2725. The annual fee charged pursuant to this subsection shall not be subject to the provisions of Chapter 132 of the General Statutes."

**SECTION #.(c)** G.S. 20-166.1(i) reads as rewritten:

"(i) Effect of Report. – A report of an accident made under this section by a person who is not a law enforcement officer is without prejudice, is for the use of the Division, and shall not be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. Any other report of an accident made under this section may be used in any manner as evidence, or for any other purpose, in any trial, civil or criminal, as permitted under the rules of evidence. At the demand of a court, the Division must give the court a properly executed certificate stating that a particular accident report has or has not been filed with the Division solely to prove a compliance with this section.

The reports made by persons who are not law enforcement officers or medical examiners are not public records. The reports made by law enforcement officers and medical examiners are public records and are open to inspection by the general public at all reasonable times. The Division must give a certified copy of one of these reports to a member of the general public who requests a copy and pays the fee set in G.S. 20-42.

1        In accordance with G.S. 20-43.1, the Division may provide copies of partial accident report  
2 data in bulk form to persons, private companies or other entities, for uses other than official,  
3 upon payment of a fee of three cents (3¢) per individual report. The Division shall not furnish  
4 such data except upon execution by the recipient of a written agreement to comply with the  
5 Driver Privacy Protection Act, 18 U.S.C. §§ 2721-2725. The annual fee charged pursuant to  
6 this subsection shall not be subject to the provisions of Chapter 132 of the General Statutes."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-TRANS-H22

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

***FLEXIBLE USE OF FUNDS FOR DIVISION OF MOTOR VEHICLES FOR FISCAL  
YEARS 2011-2012 AND 2012-2013***

**SECTION #.** Of the funds appropriated in this act to the Department of Transportation, Division of Motor Vehicles:

- (1) One hundred five thousand dollars (\$105,000) may be used for contractual security services at the Division of Motor Vehicles Registration and International Registration Plan (IRP) office in the city of Charlotte.
- (2) Two hundred twenty five thousand thirty dollars (\$225,030) may be used for the purpose of staffing the dedicated commercial driver license skills testing sites located in the city of Lumberton and under construction in Iredell County. The Division is authorized to reclassify five existing, vacant positions for this purpose.

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SPECIAL PROVISION



2011-TRANS-H24A

Department of Transportation  
Appropriations Subcommittee on Transportation

***STUDY EXEMPTING THE THREE NEWEST MODEL YEARS FROM EMISSIONS  
INSPECTIONS OF MOTOR VEHICLES***

**SECTION #.(a)** The Department of Transportation, Division of Motor Vehicles, shall lead a study to exempt, for the three newest model years, the emissions inspection required for motor vehicles under G.S. 20-183.2(b). As part of this study, the Department of Environment and Natural Resources, Division of Air Quality, in coordination with the Department of Transportation, Division of Motor Vehicles, shall evaluate the potential impacts of exempting these motor vehicles on emissions levels and air quality. In evaluating these potential impacts, the Division of Air Quality shall consider all of the following:

- (1) Whether North Carolina would be in jeopardy of the United States Environmental Protection Agency State (USEPA) finding that the State failed to implement its State Implementation Plan; if so, what specific alternative programs would result in emissions reductions that would be equivalent to any increased emissions resulting from exempting these motor vehicles from emissions testing; and what approvals, demonstrations, documentation, or other requirements is the State subject to in order to comply with federal law and to assure that the State does not lose eligibility to secure federal transportation funds.
- (2) Whether air quality standards would be violated based on (i) existing air quality standards adopted under Article 21B of Chapter 143 of the General Statutes and (ii) revised air quality standards, including a revised standard for ozone, that are currently being considered for adoption by the United States Environmental Protection Agency.
- (3) Whether the State would be in jeopardy of being found to be out of conformity such that its State and local transportation plans would interfere with the State's ability to attain federal air standards, resulting in loss of future federal transportation funds.
- (4) What new or amended rules would be necessary regarding any recommendation of this study and the time frame for adopting such new or amended rules.
- (5) What fiscal impacts would result for motor vehicle owners, licensed inspection stations, the Department of Transportation, and the Department of Environment and Natural Resources.
- (6) Any other issues pertinent to the study under this section.

**SECTION #.(b)** No later than March 1, 2012, the Department of Transportation and Department of Environment and Natural Resources shall submit a joint report of the results of the study under this section, including the findings, recommendations, and any legislative or administrative proposals, to the Joint Legislative Transportation Oversight Committee, the Environmental Review Commission, the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic

- 1 Resources, the House Appropriations Subcommittee on Transportation, and the Senate
- 2 Committee on Appropriations on Department of Transportation.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-TRANS-H26-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

***DEPARTMENT OF REVENUE TO REPORT ON MOTOR FUELS TAX AUDITOR AND  
INVESTIGATOR PERFORMANCE***

**SECTION #.** The Department of Revenue, Motor Fuels Division and the Tax Enforcement Division, is directed to report on the performance of auditor and investigator collection and enforcement activities as it relates to its administration of the motor fuels, alternative fuels, motor carrier, and inspection tax laws. The report will overview the Department's collection and enforcement activities and include recommendations to improve these efforts. This Department shall develop a methodology to compare performance by employees and include these results in the report. The Department of Revenue shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations by March 1, 2012.

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2011-TRANS-H27

Department of Transportation  
Appropriations Subcommittee on Transportation

1 ***STUDY REIMBURSEMENT PROCESS FOR DEPARTMENT OF CORRECTION***  
2 ***LITTER PICK-UP***

3       **SECTION #.** The Office of State Budget and Management, in consultation with  
4 the Department of Correction and Department of Transportation, shall study performance based  
5 reimbursement as an alternative to the current funding mechanism for inmate litter pick-up,  
6 which consists of a direct appropriation from the Department of Transportation's Highway  
7 Fund budget to the Department of Correction. Measures for an alternative funding mechanism  
8 may include reimbursements based on total mileage of highways cleaned, per hour  
9 reimbursements for non-litter pickup activities, or other factors, as appropriate.

10       The Office of State Budget and Management, shall report to the Joint Legislative  
11 Transportation Oversight Committee and to the Joint Legislative Commission on Governmental  
12 Operations no later than March 1, 2012. It is intended that the report contain recommendations  
13 for reimbursement rates that have been agreed upon by the Department of Correction and the  
14 Department of Transportation and that the recommended rate structure will be included in the  
15 report. The report shall also include any statutory changes to be considered by the General  
16 Assembly in relation to this report.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-TRANS-H28

Department of Transportation  
Appropriations Subcommittee on Transportation

**DRIVERS EDUCATION REFORM**

**SECTION #.(a)** Subsections (a), (b), and (b1) of G.S. 20-88.1 are recodified as subsections (a), (d), (e), respectively, of a new section 115C-215A in Article 14 of Chapter 115C to be entitled "Administration of driver education program by the Department of Public Instruction."

**SECTION #.(b)** G.S. 20-11(b) reads as rewritten:

"(b) Level 1. – A person who is at least 15 years old but less than 18 years old may obtain a limited learner's permit if the person meets all of the following requirements:

- (1) Passes a course of driver education prescribed in ~~G.S. 20-88.1~~ G.S. 115C-215A or a course of driver instruction at a licensed commercial driver training school.
- (2) Passes a written test administered by the Division.
- (3) Has a driving eligibility certificate or a high school diploma or its equivalent."

**SECTION #.(c)** G.S. 20-88.1, as amended by subsection (a) of this section, reads as rewritten:

**"§ 20-88.1. Driver education.**

(a) through (b1) Recodified.

(c) ~~All expenses~~ Expenses incurred by the State in carrying out the provisions of ~~this section the driver education program administered by the Department of Public Instruction in accordance with G.S. 115C-215A~~ shall be paid out of the Highway ~~Fund~~. Fund based on an annual appropriation by the General Assembly.

(d) The Division shall prepare a driver license handbook that explains the traffic laws of the State and shall periodically revise the handbook to reflect changes in these laws. At the request of the Department of ~~Education~~, Public Instruction, the Division shall provide free copies of the handbook to that Department for use in the program of driver education offered at public high schools."

**SECTION #.(c)** G.S. 20-322(b) reads as rewritten:

"(b) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance, bond or other security in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe. A driver education course offered to prepare an individual for a limited learner's permit or another provisional license must meet the requirements set in ~~G.S. 20-88.1~~ G.S. 115C-215A for the program of driver education offered in the public schools."

**SECTION #.(d)** G.S. 115C-215 is repealed.

**SECTION #.(e)** G.S. 115C-215A, as created by subsection (a) of this section, reads as rewritten:



1 **"§ 115C-215A. Administration of driver education program by the Department of Public**  
2 **Instruction.**

3 (a) In accordance with criteria and standards approved by the State Board of Education,  
4 the State Superintendent of Public Instruction shall organize and administer a standardized  
5 program of driver education to be offered at the public high schools of this State for all  
6 physically and mentally qualified persons who (i) are older than 14 years and six months, (ii)  
7 are approved by the principal of the school, pursuant to rules adopted by the State Board of  
8 Education, (iii) are enrolled in a public or private high school within the State, State or are  
9 receiving instruction through a home school as provided in Part 3 of Article 39 of Chapter  
10 115C of the General Statutes, and (iv) have not previously enrolled in the program. The State  
11 Board of Education shall use for such purpose all funds appropriated to it for said purpose, and  
12 may use all other funds that become available for its use for said purpose.

13 (b) The driver education program established pursuant to this section must include the  
14 following:

- 15 (1) Instruction on the rights and privileges of the handicapped and the signs and  
16 symbols used to assist the handicapped relative to motor vehicles, including  
17 the "international symbol of accessibility" and other symbols and devices as  
18 provided in Article 2A of ~~this Chapter~~. Chapter 20 of the General Statutes.
- 19 (2) At least six hours of instruction on the offense of driving while impaired and  
20 related subjects.
- 21 (3) At least six hours of actual driving experience. To the extent practicable, this  
22 experience may include at least one hour of instruction on the techniques of  
23 defensive driving.
- 24 (4) At least one hour of motorcycle safety awareness training.

25 (c) The State Board of Education shall establish and implement a strategic plan for the  
26 driver education program. At a minimum, the strategic plan shall consist of goals and  
27 performance indicators, including the number of program participants as compared to the  
28 number of persons projected to be eligible to participate in the program, the implementation of  
29 a standard curriculum for the program, expenditures for the program, and the success rate of  
30 program participants in receiving a drivers license as reported by the Division of Motor  
31 Vehicles. The strategic plan shall also outline specific roles and duties of an advisory  
32 committee consisting of employees of the Division of Motor Vehicles and the Department of  
33 Public Instruction and other stakeholders in driver education.

34 (d) The State Board of Education shall adopt a salary range for driver education  
35 instructors who are public school employees and who do not hold teacher certificates.

36 Driver education instructors who are public school employees and who hold teacher  
37 certificates shall be paid on the teacher salary schedule. A day of employment for driver  
38 education instructors who hold teacher certificates shall be the same number of hours required  
39 of all regular classroom teachers as established by the local board of education.

40 (e) The State Board of Education shall adopt rules to permit local boards of education  
41 to enter contracts with public or private entities to provide a program of driver education at  
42 public high schools. All driver education instructors shall meet the requirements established by  
43 the State Board of Education; provided, however, driver education instructors shall not be  
44 required to hold teacher certificates."

45 **SECTION #.(f) G.S. 115C-216 reads as rewritten:**

46 **"§ 115C-216. Boards of education required to provide courses in operation of motor**  
47 **vehicles.**

48 (a) Course of Training and Instruction Required in Public High Schools. – ~~The State~~  
49 ~~Board of Education and local~~ Local boards of education are required to provide as a part of the  
50 program of the public high schools in this State a course of training and instruction in the

1 ~~operation of motor vehicles, in accordance with G.S. 20-88.1.~~ shall offer noncredit driver  
2 education courses in high schools using the standardized curriculum provided by the  
3 Department of Public Instruction.

4 (b) Inclusion of Expense in Budget. – The local boards of education ~~of every local~~  
5 ~~school administrative unit are hereby authorized to~~ shall include as an item of instructional  
6 service and as a part of the current expense fund of the budget of the ~~several~~ high schools under  
7 their supervision, the expense necessary ~~to install and maintain such a course of training and~~  
8 ~~instructing eligible persons in such schools in the operation of motor vehicles~~ to offer the driver  
9 education course.

10 (c) to (f) Repealed by Session Laws 1991, c. 689, s. 32(c).

11 (g) Fee for Instruction. – The local boards of education are hereby authorized to charge  
12 each student participating in driver education a fee of up to seventy-five dollars (\$75.00) to  
13 offset the costs to provide the training and instruction."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-TRANS-H29

Department of Transportation  
Appropriations Subcommittee on Transportation

**STATE HIGHWAY PATROL POSITIONS**

**SECTION #.(a)** The Administrative Services Section of the State Highway Patrol is hereby eliminated. The Secretary the Department of Crime Control and Public Safety shall consolidate remaining Administrative Services Section positions and organizational units with other human resources functions of the Department.

**SECTION #.(b)** The following State Highway Patrol positions are hereby eliminated:

Position ID	Position Title
60084611	Program Assistant V
60084615	Attorney
60085385	Sergeant
60084952	First Sergeant
60085315	W/A First Sergeant
60084628	Assessment Analyst
60084772	Office Assistant
60084779	Budget Analyst
60085953	Major
60084998	First Sergeant
60084947	Captain
60085945	W/A Captain
60085302	Lieutenant
60084755	Office Assistant
60084858	Office Assistant
60084686	Deputy Secretary

**SECTION #.(c)** The Commander of the State Highway Patrol, upon the approval of the Secretary the Department of Crime Control and Public Safety, is authorized eliminate a greater number of positions than that specified in the Committee Report on the Continuation, Expansion, and Capital Budget for fiscal year 2011-2012. In implementing the remaining reductions in force required by this act, the Commander shall minimize the number of sworn law enforcement officer positions allocated for district-level traffic and commercial motor vehicle enforcement that are to be eliminated. Reductions in force may include filled positions.

**SECTION #.(c)** The Commander of the State Highway Patrol shall report on the number of positions eliminated for fiscal year 2011-2012. The report shall identify: the position number and type; assignment area or organizational unit; whether the position was filled or vacant; personnel savings achieved; and, any severance paid. The report shall also include alternatives considered to the implemented reductions in force. The Commander shall submit the report to the House of Representatives Appropriations Subcommittee on Justice and Public Safety, the Senate Appropriations Committee on Justice and Public Safety, and the Joint Legislative Crime Control and Public Safety Oversight Committee no later than March 1, 2012.

1                   **SECTION #.(d)** The salary increase provisions of G.S. 20-187.3 are suspended for  
2   fiscal year 2011-2012 and fiscal year 2012-2013.

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SPECIAL PROVISION



2011-TRANS-H30

Department of Transportation  
Appropriations Subcommittee on Transportation

1 **STATE HIGHWAY PATROL FUNDS TRANSFER**

2 **SECTION #.(a)** In fiscal year 2011-2012, the State Treasurer shall transfer one  
3 hundred eighty-nine million three hundred twenty thousand six hundred twenty-eight dollars  
4 (\$189,320,628) of the funds allocated to the Highway Fund under G.S. 105-449.125 to the  
5 General Fund. The transfer of funds authorized by this section may be made by transferring one  
6 fourth of the amount at the end of each quarter in the fiscal year or by transferring the full  
7 amount annually on July 1 of each fiscal year, subject to the availability of revenue.

8 **SECTION #.(b)** In fiscal year 2012-2013, the State Treasurer shall transfer one  
9 hundred eighty-six million one hundred eighty-seven thousand three hundred twenty-eight  
10 dollars (\$186,187,328) of the funds allocated to the Highway Fund under G.S. 105-449.125 to  
11 the General Fund. The transfer of funds authorized by this section may be made by transferring  
12 one fourth of the amount at the end of each quarter in the fiscal year or by transferring the full  
13 amount annually on July 1 of each fiscal year, subject to the availability of revenue.

14 **SECTION #.(c)** The Office of State Budget and Management and the Office of  
15 State Controller shall discontinue use of the Crime Control and Public Safety – Highway Fund  
16 budget code (Budget Code 24960) and shall certify funds appropriated by this act for the State  
17 Highway Patrol under a separate fund code within the Crime Control and Public Safety –  
18 General Fund budget code (Budget Code 14900). The Department of Transportation, Office of  
19 State Budget and Management, and Office of State Controller shall certify and account for  
20 State matching funds for Motor Carrier Safety Assistance Program grants, federal funds, and  
21 other receipts budgeted for State Highway Patrol programs, as necessary.

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SPECIAL PROVISION



2011-TRANS-H31

Department of Transportation  
Appropriations Subcommittee on Transportation

**HIGHWAY TRUST FUND MONEY FOR VISITOR CENTERS; SPECIAL  
REGISTRATION PLATES MONEY FOR VISITOR CENTERS**

**SECTION #.(a)** G.S. 20-85.1(a1), as amended by Section [2011-ENV-H3] of this act, reads as rewritten:

"(a1) One dollar (\$1.00) of the fee imposed for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of this section shall be credited to the North Carolina Highway Fund. The Division shall use the fees derived from transactions with the Division for technology improvements. The Division shall use the fees derived from transactions with commission contract agents for the payment of compensation to commission contract agents. An additional fifty cents (\$.50) of the fee imposed for any transaction assessed a fee under subdivision (a)(1) of this section shall be credited to the Mercury Switch Removal Account in the Department of Environment and Natural Resources. An additional fifty cents (\$.50) of the fee imposed for any transaction assessed a fee under subdivision (a)(1) of this section shall be credited as follows:

- (1) The first four hundred thousand dollars (\$400,000) collected shall be credited to the Reserve for Visitors Centers in the Highway Fund.
- (2) Any additional funds collected shall be credited to the Mobility Fund."

**SECTION #.(b)** G.S. 20-79.7(c)(2) reads as rewritten:

"(2) From the funds remaining in the Special Registration Plate Account after the deductions in accordance with subdivision (1) of this subsection, there is annually appropriated from the Special Registration Plate Account the sum of ~~one million two hundred thousand dollars (\$1,200,000)~~ one million three hundred thousand dollars (\$1,300,000) to provide operating assistance for the Visitor Centers:

- a. on U.S. Highway 17 in Camden County, (\$100,000);
- b. on U.S. Highway 17 in Brunswick County, (\$100,000);
- c. on U.S. Highway 441 in Macon County, (\$100,000);
- d. in the Town of Boone, Watauga County, (\$100,000);
- e. on U.S. Highway 29 in Caswell County, (\$100,000);
- f. on U.S. Highway 70 in Carteret County, (\$100,000);
- g. on U.S. Highway 64 in Tyrrell County, (\$100,000);
- h. at the intersection of U.S. Highway 701 and N.C. 904 in Columbus County, (\$100,000);
- i. on U.S. Highway 221 in McDowell County, (\$100,000);
- j. on Staton Road in Transylvania County, (\$100,000);
- k. in the Town of Fair Bluff, Columbus County, near the intersection of U.S. Highway 76 and N.C. 904, ~~(\$100,000); and (\$100,000);~~
- l. on U.S. Highway 421 in Wilkes County, ~~(\$100,000); (\$100,000); and~~
- m. at the intersection of Interstate 73 and Interstate 74 in Randolph County, (\$100,000)."



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2011-TRANS-H33-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

1 *MAINTAIN CURRENT LEVEL OF ADMINISTRATIVE FUNDING FROM HIGHWAY*  
2 *TRUST FUND*

3 **SECTION #.** Notwithstanding G.S. 136-176(b), the amount of allowable expenses  
4 to administer the Highway Trust Fund shall not increase over the amounts allocated in the  
5 fiscal year 2011-2012 and fiscal year 2012-2013 base budgets.



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SPECIAL PROVISION



2011-TRANS-H34-P

Department of Transportation  
Appropriations Subcommittee on Transportation

1 ***TRANSFER UNENCUMBERED TURNPIKE PROJECTS GAP FUNDS TO MOBILITY***  
2 ***FUND***

3 **SECTION #.(a)** Any funds appropriated to the North Carolina Turnpike Authority  
4 under G.S. 136-176(b2) to cover debt service or related financing costs for the Mid-Currituck  
5 Bridge project and that remain unencumbered at the end of fiscal year 2010-2011 are hereby  
6 transferred to the Mobility Fund.

7 **SECTION #.(b)** Any funds appropriated to the North Carolina Turnpike Authority  
8 under G.S. 136-176(b2) to cover debt service or related financing costs for the Garden Parkway  
9 project and that remain unencumbered at the end of fiscal year 2010-2011 are hereby  
10 transferred to the Mobility Fund.

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SPECIAL PROVISION



2011-TRANS-H35

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

**MOBILITY FUND PROJECT SELECTION CRITERIA ADJUSTMENT**

**SECTION #.(a)** Section 28.7(b) of S.L. 2010-31 reads as rewritten:

**"SECTION 28.7.(b)** The Department of Transportation shall develop selection criteria under G.S. 136-188, as enacted by this act, and shall report to the Joint Legislative Transportation Oversight Committee on its development of the selection criteria. A preliminary report on the selection criteria for projects is due to the Joint Legislative Transportation Oversight Committee by October 1, 2010. A final report is due to the Joint Legislative Transportation Oversight Committee by December 15, 2010. ~~When developing the project criteria and selection process, the Department shall give preferential consideration to projects qualified to receive State grants from the Congestion Relief and Intermodal Transportation 21st Century Fund under Article 19 of Chapter 136 of the General Statutes.~~ When developing the project criteria and selection process, the Department shall ~~involve~~ seek input from the public and other stakeholders, including, but not limited to, the North Carolina Association of Municipal Planning Organizations, the North Carolina Association of Rural Planning Organizations, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Metropolitan Mayors Coalition, and the North Carolina Council of Regional Governments."

**SECTION #.(b)** The Department of Transportation shall report Joint Legislative Transportation Oversight Committee on its development of the selection criteria, taking into account the modification by subsection (a) of this section, by October 15, 2011.

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SPECIAL PROVISION



2011-TRANS-H36

Department of Transportation  
Appropriations Subcommittee on Transportation

**TRANSFER URBAN LOOPS PROGRAM TO THE MOBILITY FUND**

**SECTION #.(a)** G.S. 136-17.2A(a) reads as rewritten:

"(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and both State and federal-aid funds expended under the Transportation Improvement Program, other than federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149, ~~funds expended on an urban loop project listed in G.S. 136-180~~, funds from the federal government for the Appalachian Development Highway System, and funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department, shall be distributed throughout the State in accordance with this section.

..."

**SECTION #.(b)** G.S. 136-176(b)(2) reads as rewritten:

"(2) Twenty-five and five hundredths percent (25.05%) to ~~plan, design, and construct the urban loops described in G.S. 136-180~~ the Mobility Fund and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to ~~these the urban loops; loops listed in former G.S. 136-180.~~"

**SECTION #.(c)** G.S. 136-177.1 is repealed.

**SECTION #.(d)** G.S. 136-178 reads as rewritten:

**"§ 136-178. Purpose and description of Intrastate System.**

...  
Interstate routes or corridors designated by Congress or officially accepted onto the Interstate System by the United States Department of Transportation.

~~Any portion of an urban loop project, as described in G.S. 136-180, that has been certified by the Department as complete and is no longer eligible for funding from the urban loop allocation specified in G.S. 136-176(b)(2).~~

The Department of Transportation may add a route to the Intrastate System if the route is a multilane route and has been designed and built to meet the construction criteria of the Intrastate System projects. No funds may be expended from the Trust Fund on routes added by the Department.

..."

**SECTION #.(e)** G.S. 136-180 is repealed.

**SECTION #.(f)** G.S. 136-184(a) reads as rewritten:

"(a) The Department of Transportation shall develop, and update annually, a report containing a completion schedule for all projects to be funded from the Trust Fund. The report shall include a separate schedule for the Intrastate System projects, the ~~urban loop~~ Mobility Fund projects, and the paving of unpaved State-maintained secondary roads that have a traffic vehicular equivalent of at least 50 vehicles a day. The annual update shall indicate the projects, or portions thereof, that were completed during the preceding fiscal year, any changes in the

1 original completion schedules, and the reasons for the changes. The Department shall submit  
2 the report and the annual updates to the Joint Legislative Transportation Oversight Committee."

3 **SECTION #.(g)** G.S. 136-185 reads as rewritten:

4 **"§ 136-185. Maintenance reserve created in certain circumstances.**

5 If the Highway Trust Fund has not terminated but all contracts for the projects of the  
6 Intrastate System described in G.S. 136-179 have been let and the amount collected and  
7 allocated for the Intrastate System is enough to pay the contracts and retire any bonds issued  
8 under the State Highway Bond Act of 1996 for projects of the Intrastate System, all subsequent  
9 allocations of revenue for the Intrastate System shall be credited to a reserve account within the  
10 Trust Fund. Revenue in this reserve may be used only to maintain the projects of the Intrastate  
11 System.

12 ~~If the Highway Trust Fund has not terminated but all contracts for the urban loops~~  
13 ~~described in G.S. 136-180 have been let and the amount collected and allocated for the urban~~  
14 ~~loops is enough to pay the contracts and retire any bonds issued under the State Highway Bond~~  
15 ~~Act of 1996 for the urban loops, then all urban loops shall be considered a part of the Intrastate~~  
16 ~~System, and all subsequent allocations of revenue for the urban loops shall be credited to the~~  
17 ~~Intrastate account within the Trust Fund."~~

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

DRAFT  
SPECIAL PROVISION



2011-TRANS-H37-P

Department of Transportation  
Appropriations Subcommittee on Transportation

Requested by: Representative

**MODIFY DEPARTMENT OF TRANSPORTATION REPORTING REQUIREMENTS**

**SECTION #.(a)** G.S. 136-12(a1), 136-12.2, 136-89.193(e), 136-93.1(g), and 136-125.2 are repealed.

**SECTION #.(b)** G.S. 136-44.2 reads as rewritten:

**"§ 136-44.2. Budget and appropriations.**

The Director of the Budget shall include in the "Current Operations Appropriations Act" an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, State parks road systems, and other transportation systems. The State primary system shall include all portions of the State highway system located both inside and outside municipal corporate limits that are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located both inside and outside municipal corporate limits that is not a part of the State primary system. The State parks system shall include all State parks roads and parking lots that are not also part of the State highway system. The transportation systems shall include State-maintained, nonhighway modes of transportation as well.

All construction and maintenance programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, transportation projects and systems, and ferry operations shall be enumerated in the budget.

The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. ~~No federally eligible construction project may be funded entirely with State funds unless the Department of Transportation has first reported to the Joint Legislative Commission on Governmental Operations.~~ For purposes of this section, "federally eligible construction project" means any construction project except secondary road projects developed pursuant to G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

The "Current Operations Appropriations Act" shall also contain the proposed appropriations of State funds for use in each county for maintenance and construction of secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the construction

1 and maintenance of secondary roads in the county for which they are allocated pursuant to G.S.  
2 136-44.5 and 136-44.6.

3 If the unreserved credit balance in the Highway Fund on the last day of a fiscal year is  
4 greater than the amount estimated for that date in the Current Operations Appropriations Act  
5 for the following fiscal year, the excess shall be used in accordance with this paragraph. The  
6 Director of the Budget may allocate part or all of the excess among reserves for access and  
7 public roads, for unforeseen events requiring prompt action, or for other urgent needs. The  
8 amount not allocated to any of these reserves by the Director of the Budget shall be credited to  
9 a reserve for maintenance. The Board of Transportation shall report monthly to the Joint  
10 Legislative Transportation Oversight Committee and the Fiscal Research Division on the use of  
11 funds in the maintenance reserve.

12 The Department of Transportation may provide for costs incurred or accrued for traffic  
13 control measures to be taken by the Department at major events which involve a high degree of  
14 traffic concentration on State highways, and which cannot be funded from regular budgeted  
15 items. This authorization applies only to events which are expected to generate 30,000 vehicles  
16 or more per day. The Department of Transportation shall provide for this funding by allocating  
17 and reserving up to one hundred thousand dollars (\$100,000) before any other allocations from  
18 the appropriations for State maintenance for primary, secondary, and urban road systems are  
19 made, based upon the same proportion as is appropriated to each system."

20 **SECTION #.(c)** G.S. 136-89.182 reads as rewritten:

21 **"§ 136-89.182. North Carolina Turnpike Authority.**

22 ...

23 (j) Bylaws. – The Authority Board shall adopt, change, or amend bylaws with respect  
24 to the calling of meetings, quorums, voting procedures, the keeping of records, and other  
25 organizational, staffing, and administrative matters as the Authority Board may determine. Any  
26 bylaws, or subsequent changes or amendments to the bylaws, shall be ~~submitted to the Board of~~  
27 ~~Transportation and the Joint Legislative Transportation Oversight Committee for review and~~  
28 ~~comment at least 45 days prior to adoption by the Authority Board.~~ included in the Annual  
29 Report as required by G.S. 136-89.193.

30 (k) Executive Director and Administrative Employees. – The Authority Board shall  
31 appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its  
32 pleasure. The Executive Director shall be the Authority's chief administrative officer and shall  
33 be responsible for the daily administration of the toll roads and bridges constructed,  
34 maintained, or operated pursuant to this Article. The Executive Director or his designee shall  
35 appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the  
36 compensation of administrative employees as the Executive Director deems necessary to carry  
37 out this Article. ~~The Authority shall report the hiring of all administrative employees to the~~  
38 ~~Joint Legislative Transportation Oversight Committee within 30 days of the date of~~  
39 ~~employment.~~

40 ...."